

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

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MEMORANDUM

RECEIVED

JUL 03 2006

Property of U.S. District Court UNITED STATES OF AMERICA

District of Rhode Island Case No. 06-1236-01

-vs-

FRANKLIN LORA

DATE:

June 29, 2006

Your Case No.:

1:06-CR-43-T-LDA

TO:

United States District Court District of Rhode Island Two Exchange Terrace Providence, RI 02903

FROM:

Helyn S. LaTorre, Courtroom Deputy for

David A. Baker, United States Magistrate Judge

(407) 835-4294

George C. Young U.S. Courthouse and Federal Building

80 North Hughey Avenue Orlando, Florida 32801

SUBJECT:

Rule 5c Proceedings

The above-styled case originated in your division. Enclosed please find original documents regarding proceedings held in the Middle District of Florida in Orlando, Florida wherein the following action was taken:

INITIAL APPEARANCE:

JUNE 23, 2006

RELEASE/DETENTION:

The Defendant was ordered detained and removed to the charging district, with detention hearing to be held in the charging district.

SCHEDULED HEARING:

Upon notice by the charging district.

CHARGING DOCUMENT:

Petition for Violation of Pretrial Release

Enclosures

U.S. District Court Middle District of Florida (Orlando) CRIMINAL DOCKET FOR CASE #: 6:06-mj-01236-DAB-ALL **Internal Use Only**

Case title: USA v. Lora

Date Filed: 06/28/2006

Assigned to: Magistrate Judge David A. Baker

District of Ringon Alland

Defendant

Franklin Lora (1)

TERMINATED: 06/23/2006

represented by Donald R. West

Federal Public Defender's Office Regions Bank Bldg., Suite 300 201 South Orange Avenue Orlando, FL 32801 407/648-6338

Fax: 407/648-6095 Email: don west@fd.org LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18: USC 3143(a)(2)(B) Violations of

Conditions of Release

Disposition

Disposition

certify the foregoing and correct copy

Disposition

Plaintiff

USA

represented by Bruce S. Ambrose

U.S. Attorney's Office 501 W. Church St., Suite 300

Orlando, FL 32805 407/648-7500

Email: bruce.ambrose@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

Date Filed	#	Docket Text	
06/23/2006	3 1	Arrest - Rule 5(c)(2) of Franklin Lora from District of Rhode Island on charges of Violations of Pretrial Release (HSL,) (Entered: 06/28/2006)	
06/23/2006	● 2	Minute Entry for proceedings held before Judge David A. Baker: Initial Appearance in Rule 5(c)(3) Proceedings as to Franklin Lora held on 6/23/2006 (Tape # 2006-25:2918-3082) (Attachments: # 1 Warrant # 2 Pretrial Petition from District of Rhode Island) (HSL,) Modified on 6/28/2006 (HSL,). (Entered: 06/28/2006)	
06/23/2006	3	***CJA 23 financial affidavit by Franklin Lora (HSL,) (Entered: 06/28/2006)	
06/23/2006	3 4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Franklin Lora. Signed by Judge David A. Baker on 6/23/06. (HSL,) (Entered: 06/28/2006)	
06/23/2006	4 5	ORDER of removal pursuant to rule 5(c)(2) to District of Rhode Island as to Franklin Lora. Signed by Judge David A. Baker on 6/23/06. (HSL,) (Entered: 06/28/2006)	
06/23/2006	⊘ <u>6</u>	COMMITMENT to another district as to Franklin Lora. Defendant committed to District of Rhode Island. Signed by Judge David A. Baker on 6/23/06. (HSL,) (Entered 06/28/2006)	
06/29/2006	3 7	TRANSFER Rule(5)(c)(3) to District of Rhode Island as to Franklin Lora (HSL,) (Entered: 06/29/2006)	

AO 94 (Rev. 8/97) Commitment to Another District

	UNITED ST	ATES DIST	RICT CO	URT	
Middle		_ District of	· · · · · · · · · · · · · · · · · · ·	Florida	
UNITED STATES O	UNITED STATES OF AMERICA		COMMITMENT TO ANOTHER DISTRICT		OTHER
FRANKLIN I	LORA				
DOCKET	NUMBER		MAGISTRATE JUDGE CASE NUMBER		
District of Arrest	District of Offen	ise	District of Arrest		of Offense
	1:06-CR-00043-T	-LDA	06-1236-01		
CHARGES AGAINST THE I	DEFENDANT ARE BA	ASED UPON AN		· · · · · · · · · · · · · · · · · · ·	
☐ Indictment ☐	Information	Complaint X	Other (specify)	Pretrial Petition	
charging a violation of	18 U.S.C. §	3143(a)(2)(B)			
DISTRICT OF OFFENSE	· · · · · · · · · · · · · · · · · · ·				
District of Rhode Island DESCRIPTION OF CHARGE					
CURRENT BOND STATUS: Bail fixed at Government moved f X Government moved f	or detention and defend		aring in District of		
Other (specify)					
-		X Federal Defende	-	CJA Attorney	☐ None
Interpreter Required? X	No Yes	 	inguage:		
TO: THE UNITED You are hereby of defendant with a certicand there deliver the authorized to receive June 23, 2006 Date	commanded to take fied copy of this com defendant to the Un	custody of the all	pove named de	strict or to some other	ed above
		RETURN			
This commitment was receive	d and executed as follo	ows:			
DATE COMMITMENT ORDER REC	EIVED	PLACE OF COMMITM	ENT	DATE DEFENDANCE ON 6-2	S COMMITTED
DATE UNITED STATE	S MARSHAL		(BY) DEPUTY M.	* 1 * * * * * * * * * * * * * * * * * * 	uty Clerk

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 06-1236-01

FRANKLIN LORA

FINDINGS AND ORDER ON REMOVAL PROCEEDINGS PURSUANT TO RULE 5(c), FED.R.CRIM.P.

FRANKLIN LORA, having been arrested and presented before me for removal proceedings pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and having been informed of the rights specified in Rule 5(d) thereof, and of the provisions of Rule 20, the following has occurred of record.

An Initial Appearance on the Rule 5(c) Violation of Conditions of Pretrial Release from District of Rhode Island was held on June 23, 2006.

After hearing the evidence, and based on the defendant's waiver of identity hearing, I find that **FRANKLIN LORA** is the person named in the warrant for arrest, a copy of which has been produced.

No detention hearing has been held because the defendant elects to have the detention hearing conducted in the district in which the prosecution is pending.

It is, therefore,

ORDERED that **FRANKLIN LORA** be held to answer in the district court in which the prosecution is pending. Final Commitment given to the U.S. Marshal.

DONE and **ORDERED** in Chambers in Orlando, Florida, this 234 day of June, 2006.

DAVID A. BAKER

UNITED STATES MAGISTRATE JUDGE

Copies furnished to: Charging District United States Attorney United States Marshal Pretrial Services Office Defense Counsel

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA **ORLANDO DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No. 06-1236-01

FRANKLIN LORA

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he/she: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Public Defender is appointed to represent the above named defendant for proceedings in this District in this case. The defendant may be required to contribute to the cost of this representation depending on circumstances to be determined at a later date.

DONE and **ORDERED** in Orlando, Florida on June 23, 2006.

UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney United States Marshal United States Probation Office Asst. Federal Public Defender Pretrial Services Office

	IN SUF	FINANC	IAL AFFID		CJA 23 PAYMENT OF FEE REV. 1/90
IN THE CA	UNITED STATE SE OF		FOR AT	OTHER PANEL (Specify belo	LOCATION NUMBER
CI	LOPA 02 HARGE/OFFEN	ESENTED (Show your full name). Franklin 8 - 74 - 3054 USE (describe if applicable & check box •	Misdeneanor	Defendant—Adult Defendant—Juvenile Defendant—Juvenile Defendant De	DCCKET NUMBERS Magistrate O(0-13-36-01) District Court Court of Appeals
Carried States of the		ANSWERS TO QU			and the second s
-	EMPLOY-	Are you now employed? Name and address of emplo IF YES, how much do you earn per month? \$_	yer: <u>Car</u> 100,00 IF	Self Employed SaleS NO, give month and yea ow much did you earn pe	
	MENT	If married is your Spouse em IF YES, how much does you Spouse earn per mo	ployed? Yes r onth \$ 600.00 G	☐ No a minor under age 21, wl uardian's approximate mo	hat is your Parents or onthly income \$
	OTHER INCOME	Have you received within the past 1 form of rent payments, interest, divi IF YES, GIVE THE AMOUNTRECEIVED & IDENTIFY THE SOURCES	2 months any income from dends, retirement or annui RECEIVED	n a business, profession or othe	er form of self-employment, or in the
	CASH	Have you any cash on hand or mone		account Tyes No IF	YES, state total amount \$
	PROP- ERTY	Do you own any real estate, stocks, furnishings and clothing)? Yes IF YES, GIVE VALUE AND \$ DESCRIBE IT	bonds, notes, automobiles VALUE L L L L L L L L L L L L L L L L L L	s, or other valuable property (expense)	
OBLIGATIONS		DENTS MARITAL STATUS SINGLE MARRIED MARRIED WIDOWED SEPARATED OR DIVORCED	Total No. of Dependents List pe	risons you actually support and you Soly Gold Boly	
INCL) LOAN			Creditors	Rent s S S S S S Ove to be correct.	Total Debt

SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED)

Certify the above to be con

6-23-06

WARNING: A FALSE OR DISHONEST ANSWER TO A QUESTION IN THIS AFFIDAVIT MAY BE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

UNITED STATES OF AMERICA

-VS-

Case No. 06-1236-01

FRANKLIN LORA

AUSA: Bruce S. Ambrose Defense Atty.: Don West

JUDGE	David A. Baker United States Magistrate Judge	DATE AND TIME	June 23, 2006 3:55-4:00
DEPUTY CLERK	Helyn S. LaTorre	TAPE/REPORTER	2006-25:2918-3082
INTERPRETER	None	PRETRIAL:	Glen Hendrickson

CLERK'S MINUTES INITIAL APPEARANCE ON RULE 5C FROM THE DISTRICT OF RHODE ISLAND

DEFENDANT WAS ARRESTED TODAY

- (2918) Case called, appearances taken
- (2959) Court advises defendant of rights and charges
- (3002) Defendant requested court appointed counsel; Court appoints FPD
- (3023) Government seeks detention of the defendant
- (3029) Defendant requests detention hearing in the charging district
- (3050) Court to enter order of removal to the charging district and allow the detention hearing to held there

Case 1:06-cr-00043-T-LDA Document 21

Filed 07/10/2006

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AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

District of Rhode Island

UNITED STATES OF AMERICA

٧. FRANKLIN LORA

WARRANT FOR ARREST

		CASE NUMBE	R: 1:06-CR-0004	3-T-LDA
To: The United Star and any Author	tes Marshal rized United States Officer			
YOU ARE HE	REBY COMMANDED to arrest	FRANKLIN LORA		
	r forthwith to the nearest Mag		Name (n)	
Indictment	Information	Order of Court 🔯 V	iolation Notice Prob	ation Violation Petition
charging him or her w Violation of Cond	rith (brief description of offense) litions of Release			
in violation of Title 18 Ryan H. Jackson	8 United	States Code, Section(s)		
Name of Issuing Officer_	Mu	Title of Issuing	Officer	
Signature of Issuing Office		June 19, 2 Date and Location	000	
Bail fixed at				V
<u> </u>		by	Name of Judicial Office	r
		RETURN		
at				
DATE RECEIVED	NAME AND TITLE OF ARI	KESTING OFFICER S	IGNATURE OF ARRESTING	OFFICEK
DATE OF ARREST		1		

Filed 07/10/2006

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UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

U.S. v. Franklin Lora

Docket Number: CR06-0043-01T

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL SERVICES RELEASE

Comes now Brian Pletcher, Senior U.S. Probation Officer, presenting an official report upon the conduct of defendant Franklin Lora who was placed under pretrial release supervision on March 9, 2006, with the following conditions of release by the Honorable Lincoln D. Almond, United States Magistrate Judge.

Please see the attached Memorandum.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE **AS FOLLOWS:**

Please see the attached Memorandum.

ORDER OF THE COURT

PRAYING THAT THE COURT WILL ORDER the issuance of an Arrest Warrant for the defendant to be brought before the Court for a Bail Violation Hearing.

	KEGA ECTI CEET SOEM, TEE,
Considered and ordered this 19 day of, 2006 and ordered filed and made a part of the records in the above case.	Brian Pletcher Senior U.S. Probation Officer
The Honorable Ernest C. Torres Chief U.S. District Judge	Date 6/19/06
Date	



RESPECTED I V SUBMITTED

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

U.S. v. Franklin Lora

Docket Number: CR06-0043-01T

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<i>d</i>	Senior U.S. Probation Officer
Emst C Jones	Date 6/19/06
The Honorable Ernest C. Torres	
Chief U.S. District Judge	
Date	



UNITED STATES PROBATION OFFICE

MEMORANDUM

TO:

The Honorable Ernest C. Torres

Chief U.S. District Judge

FROM:

Brian Pletcher

Senior U.S. Probation Officer

DATE:

July 12, 2005

SUBJECT:

LORA, Franklin

1:06-CR-0043-01T

PRETRIAL SERVICES VIOLATION MEMORANDUM Pursuant to Title 18, United States Code, Section 3154(5)



On February 26, 2006, the defendant was presented for an initial appearance before the Honorable David L. Martin, United States Magistrate Judge, pursuant to a Criminal Complaint charging him with Bank Fraud, in violation of Title 18, U.S.C., §1344. The defendant was represented by his Court-appointed attorney, Richard K. Corley, Esquire. The Court released the defendant on a \$10,000 Full Surety Bond with the following conditions of release:

- 1. That the defendant report to U.S. Probation/Pretrial Services as instructed.
- 2. That the defendant maintain residence with his daughter at 11 East Riverside Drive, Dedham, Massachusetts and that he be placed on home confinement with electronic monitoring. Exceptions to the home confinement should be permitted for employment, religious, attorney meetings and medical purposes only.
- That the defendant surrender his Dominican Republic passport or provide proof that it is in the possession of Immigration officials.
- 4. That the defendant refrain from the possession of a firearm, destructive device or other dangerous weapon.
- That the defendant refrain from the excessive use of alcohol and any use or possession of a narcotic drug and any other controlled substance unless prescribed by a physician.
- 6. That the defendant's travel be restricted to the Districts of Rhode Island and Massachusetts.
- 7. That the defendant submit to periodic substance abuse testing.
- 8. That the defendant seek and maintain employment.
- 9. That the defendant refrain from any and all contact, either via the telephone or in person, with Maria Nunez or her family.

2

On March 30, 2006, the defendant, along with his attorney, appeared before the Honorable Lincoln D. Almond, U.S. Magistrate Judge, for arraignment. Mr. Lora was charged in a one count Criminal Information with Bank Fraud. The defendant was continued on bail pending further proceedings. Subsequently, On May 17, 2006, the defendant appeared before the Honorable Ernest C. Torres, Chief U.S. District Judge, for a change of plea hearing and entered a plea of guilty to the one count Information. Per request of the government, the conditions of release were modified removing the condition for home confinement with electronic monitoring.

RESPONSE TO SUPERVISION/APPARENT VIOLATION

Since his release, Mr. Lora has been under the supervision of the U.S. Pretrial Services Department in the District of Massachusetts. On May 9, 2006, Supervising U.S. Probation Officer Maureen Bradley met with Mr. Lora to officially commence his supervision. During the meeting, the defendant's release conditions, including the mandatory condition that he not commit another Federal, State, or local crime and refrain from any and all contact with Maria Nunez, were reviewed and explained. Mr. Lora stated that he understood the conditions and the consequences of noncompliance were addressed.

On Saturday, June 17, 2006, at approximately 7:45 PM, C.J. Wyant, Supervisory Deputy U.S. Marshal called Officer Brian Pletcher and advised that on Friday, June 16, 2006, at approximately 11:00 PM, the defendant abducted his ex-girlfriend, Maria Nunez, and beat, raped and choked her over a six hour period ending on Saturday morning, June, 17, 2006, at 5:00 AM. He advised that Ms. Nunez was currently being interviewed by Special Agent Craig Marech of the U.S. Secret Service. Officer Pletcher contacted Agent Marech who verified the events of June 16, 2006, and advised that he was transporting Ms. Nunez to Rhode Island Hospital for a medical examination and treatment. Subsequent examination revealed that Ms. Nunez sustained severe bruising over her body and that there was evidence of choking and possible rape. On Saturday, June 17, 2006, at 8:53 PM, Officer Pletcher contacted U.S. Magistrate Judge Lincoln D. Almond and provided details of the incident and advised that there appeared to be sufficient probable cause to support revocation of bail. Based on the foregoing, Judge Almond verbally authorized the apprehension and detention of Franklin Lora pending a bail revocation hearing.

Since his release, Mr. Lora resided with his daughter, Jilhanna Lora, at 11 East Riverside Drive, Dedham, Massachusetts. The defendant is employed at Espaillat Motors, Providence, Rhode Island. Prior to this incident, the defendant was under pretrial services supervision in the District of Massachusetts and they reported that he had complied with his conditions of release.

TITLE 18. UNITED STATES CODE, SECTION 3154(5)

Pursuant to Title 18, United States Code, Section 3154(5), the government was immediately advised of the defendant's alleged violation of his release conditions. Assistant United States Attorney Andrew Reich has been advised regarding the defendant's alleged violations. Further, Richard K. Corley, has been informed of the alleged violation and recommendation contained in this petition.

Respectfully submitted

Brian Pletcher

Senior U. S. Probation Officer

Date: 06/19/06

Reviewed and Approved By:

Maureen Bradley

Supervising United States Probation Officer

Date: 06/19/06

BP/bp

ATTACHMENTS:

- 1. Pretrial Services Report, dated February 23, 2006.
- 2. Addendum to the Pretrial Services Report, dated March 1, 2006.
- 3. Status Report to the Court, dated May 15, 2006.
- 4. Two Memorandums of Interview U.S. Secret Service, both dated June 18, 2006.
- cc: Andrew Reich, Esquire
 Assistant United States Attorney

Richard K. Corley, Esquire Defense Counsel

Case 1:06-cr-00043-T-LDA Document 21

Filed 07/10/2006

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U.S. vs. Franklin Lora 1:06-CR-0043-01T

RECOMMENDATION

The alleged violation charges the defendant with abducting and assaulting a witness in his pending case who he was specifically prohibited from contacting. The severity of this alleged offense indicates that he is a danger to the community and that no conditions or combination of conditions will reasonable assure his appearance at future hearings or the safety of the community. As such, we recommend revocation of bail and immediate detention.

Respectfully submitted,

Brian Pletcher

Senior U.S. Probation Officer

Date: 06/19/06

Reviewed and Approved By:

Maureen Bradley

Supervising U.S. Probation Officer

Date: 06/19/06

BP/bp

Memorandum of Interview

6/18/06

On Saturday, June 17, 2006, SA John Petricig and I responded to the residence of Maria M. Nunez 20 Rangeoff Street 1st floor, Providence, RI. Maria M. Nunez, of the nature of the interview she agreed to be interviewed.

Maria Nunez stated that on Friday, June 16, 2006 at approximately 11PM Franklin Lora and one of his friends pulled up to her residence, 29 Bandroft Streat, Providence, RI, in a dark colored Ford Explorer.

Nunez detailed that prior to 11PM Franklin Lora and his friend were chasing Nunez and her friend Jose LNU (phone 401-580-5879) in a car. Nunez stated that during the chase Lora's vehicle struck Jose's car. Nunez further detailed that after the incident with the cars Jose dropped Nunez off in front of her residence.

Nunez stated that after she was dropped off by Jose, Lora showed up to her residence with the ford Explorer and forced her into the SUV. Nunez detailed that Lora drove her to a different place, which was secluded, around Valley Street. Nunez detailed that Lora started to choke her and Lora stated he was going to kill her and beat her up. Nunez stated that she was held by Lora for approximately six (6) hours. Nunez detailed that Lora drove her back to her residence at approximately 6AM on Saturday, June 17, 2006. Nunez stated that while in the car Lora was grabbing and squeezing her.

Nunez stated that she believed Lora was going to kill her. Nunez detailed that she begged Lora to let her go. Nunez stated that Lora made her swear not to call the police.

According to Nunez her friend Jose called the Providence Police when the incident first happened. Nunez stated that the Police responded to her residence.

Nunez stated she was afraid of Lora and she felt that her kids and family were not safe.

A visual observation of Nunez revealed scrapes and bruising on her neck. Nunez appeared to be uncomfortable; she was holding her neck and stomach. Nunez also showed SA Petricia and me a deep cut and bruise on her hip which she stated occurred when Lora pulled her into the car.

At this point SA Petricig and I transported Nunez and her sister in-law to the Cranston Medical Center, Reservoir Ave, Cranston, RI.

SA Craig A. Marech United States Secret Service Providence Resident Office SA John E. Petricig United States Secret Service Providence Rosident Office